

MANDATE

United States Court of Appeals For the First Circuit

No. 06-1607

UNITED STATES,

Appellee,

v.

ROMAN ZHIRNOV,

Defendant, Appellant.

Before

Boudin, Chief Judge,
Torruella and Lynch, Circuit Judge.

JUDGMENT

Entered: October 2, 2007

The government has moved for summary disposition of this sentencing appeal by Roman Zhirnov. Zhirnov pled guilty to various weapons charges and was sentenced to 63 months in prison, the low end of the applicable guideline range.

We review the district court's sentence under the now advisory guidelines for reasonableness. Rita v. United States, 127 S.Ct. 2456, 2459 (2007); United States v. Booker, 543 U.S. 220, 261-63 (2005). In assessing whether a sentence is reasonable, we need only look for "a plausible explanation and a defensible overall result." United States v. Jiménez-Beltre, 440 F.3d 514, 519 (1st Cir. 2006), cert. denied, 127 S.Ct. 928 (2007). Where the challenged sentence is at the bottom of the correctly calculated guideline range, the defendant "must carry a heavy burden" to demonstrate that the sentence is unreasonable. United States v. Pelletier, 469 F.3d 194, 204 (1st Cir. 2006); see also United States v. Navedo-Concepción, 450 F.3d 54, 59 (1st Cir. 2006).

The record reflects that the district court carefully

considered all of the relevant sentencing factors under 18 U.S.C. § 3553(a) and Zhirnov's arguments in mitigation, and adequately explained its reasons for finding that a within-guidelines sentence was necessary to serve statutory objectives. The mitigating factors presented by Zhirnov, while sympathetic, were not sufficiently compelling to render the bottom-of-guidelines sentence unreasonable in light of the seriousness of the offenses of conviction. Accordingly, the government's motion for summary disposition is granted and the judgment is summarily affirmed. See 1st Cir. R. 27.0(c).

By the Court:

Richard Cushing Donovan, Clerk.


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FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By: Chm Date: 10-25-07

MARGARET CARTER

By: _____
Chief Deputy Clerk.

[cc: Jean C. LaRocque, Esq., Kevin O'Regan, AUSA,
Dina Michael Chaitowitz, AUSA, Randall E. Kromm, AUSA]